

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

LINDA D. SEKIYA,	)	CIVIL NO. 04-00297 DAE KSC
	)	
Plaintiff,	)	MEMORANDUM IN SUPPORT OF
	)	DEFENDANT'S MOTION FOR LEAVE
vs.	)	TO FILE OVERSIZE BRIEF
	)	
DONALD H. RUMSFELD,	)	
Secretary, Department of	)	
Defense,	)	
	)	
Defendant.	)	
_____	)	

MEMORANDUM IN SUPPORT OF  
DEFENDANT'S MOTION FOR LEAVE TO FILE OVERSIZE BRIEF

Defendant has moved for dismissal and summary judgment in this action, raising a number of legal arguments, but relying on only a relatively few relevant facts and exhibits. Plaintiff's Concise Statement in opposition to defendant's motion, by contrast, contains 41 exhibits, and plaintiff's own 18-page, 95-paragraph declaration.

As set forth in the separately filed Reply Memorandum, plaintiff's submission fails to raise a genuine issue of material fact. Moreover, there are differences on key points between the claims in plaintiff's brief and the evidence in the record.

The government's brief sorts out the confusion created by defendant's large and unfocused filing. In order to do so, however, defendant exceeded the limit imposed by Local Rule 7. Defendant respectfully suggests that, in this case, it would serve the interests of justice and judicial economy to accept a

slightly oversize brief, in order to fully consider the factual and legal issues at stake in this litigation.

DATED: March 3, 2006, at Honolulu, Hawaii.

EDWARD H. KUBO, JR.  
United States Attorney  
District of Hawaii

/s/ Thomas A. Helper  
By \_\_\_\_\_  
THOMAS A. HELPER  
Assistant U.S. Attorney

Attorneys for Defendant